

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GREGORY SHARPE,

Plaintiff,

v.

Case Number 06-11772-BC
Honorable Thomas L. Ludington

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

/

**CORRECTED ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION, DENYING PARTIES' MOTIONS FOR SUMMARY
JUDGMENT, AND REMANDING MATTER TO COMMISSIONER FOR FURTHER
PROCEEDINGS**

This matter is before the Court on the defendant's motion for summary judgment. The motion was referred to United States Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1. The magistrate judge issued his report on January 10, 2007 recommending that this Court deny without prejudice the parties' motions for summary judgment and that the matter be remanded to the Commissioner for further proceedings. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, the parties did not file any objections. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt # 13] is **ADOPTED**, the parties' motions for summary judgment [dkt #s 11, 12] are **DENIED WITHOUT**

PREJUDICE, and the matter is **REMANDED** to the Commissioner for further administrative proceedings consistent with the magistrate judge's report and recommendation.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: April 16, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 16, 2007.

s/Tracy A. Jacobs
TRACY A. JACOBS